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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	4821-406	Total Pages	40
First Named Inventor or Application Identifier			
John McCullough et al.			6/22/00
Express Mail Label No.			N/A

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- |   |                  |   |
|---|------------------|---|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form<br><i>Submit an original, and a duplicate for fee processing</i>  | [Total Pages 38] | 6. <input type="checkbox"/> Microfiche Computer Program ( <i>Appendix</i> )   |
| 2. <input checked="" type="checkbox"/> Specification<br><i>(preferred arrangement set forth below)</i>  |                  | 7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission<br><i>(if applicable, all necessary)</i>                                 |
| -Descriptive title of the Invention   |                  | a. <input type="checkbox"/> Computer Readable Copy  |
| -Cross Reference to Related Applications  |                  | b. <input type="checkbox"/> Paper Copy (identical to computer copy)   |
| -Statement Regarding Fed sponsored R&D  |                  | c. <input type="checkbox"/> Statement verifying identity of above copies  |
| -Reference to Microfiche Appendix   |                  |   |
| -Background of the Invention  |                  |   |
| -Brief Summary of the Invention   |                  |   |
| -Brief Description of the Drawings ( <i>if filed</i> )  |                  |   |
| -Detailed Description of the Invention (including drawings, <i>if filed</i> )   |                  |   |
| -Claim(s)   |                  |   |
| -Abstract of the Disclosure   |                  |   |
| 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113)  | [Total Sheets 0] |   |
| 4. <input checked="" type="checkbox"/> Oath or Declaration  | [Total Sheets 2] |   |
| a. <input type="checkbox"/> Newly executed (original or copy)   |                  | 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))   |
| b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><i>(for continuation/divisional with Box 17 completed)</i>   |                  | 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i>                 |
| i. <input type="checkbox"/> <u>DELETION OF INVENTORS(S)</u><br><i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).</i>  |                  | 10. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )  |
| 5. <input checked="" type="checkbox"/> Incorporation By Reference ( <i>useable if Box 4b is checked</i> )<br><i>The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</i>     |                  | 11. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations                         |
| 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:<br><input checked="" type="checkbox"/> Continuation of 09/238,983, filed on January 28, 1999. <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of application no. |                  | 12. <input type="checkbox"/> Preliminary Amendment  |
|   |                  | 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                                |
|   |                  | 14. <input type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Statement(s) Status still proper and desired |
|   |                  | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(If foreign priority is claimed)</i>  |
|   |                  | 16. <input type="checkbox"/> Other:   |

Assistant Commissioner for Patents  
ADDRESS TO: Box Patent Application  
Washington, DC 20231

## ACCOMPANYING APPLICATION PARTS

- |   |
|---|
| 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))   |
| 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i>                 |
| 10. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )  |
| 11. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations                         |
| 12. <input type="checkbox"/> Preliminary Amendment  |
| 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i>                                |
| 14. <input type="checkbox"/> Small Entity <input type="checkbox"/> Statement filed in prior application, Statement(s) Status still proper and desired |
| 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(If foreign priority is claimed)</i>  |
| 16. <input type="checkbox"/> Other:   |

## 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation of 09/238,983, filed on January 28, 1999.  Divisional  Continuation-in-part (CIP) of application no.

## 18. CORRESPONDENCE ADDRESS

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application: Examiner R. Cook  
 Art Unit 1614

Assistant Commissioner for Patents  
 Box PATENT APPLICATION  
 Washington, D.C. 20231

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/238,983 filed on January 28, 1999.

of John MCCULLOUGH and Paul D. RUBIN  
(inventor(s) currently of record in prior application)

for METHODS AND COMPOSITIONS FOR TREATING NICOTINE ADDICTION AND AIDING IN SMOKING CESSATION USING OPTICALLY PURE (-)-BUPROPION  
(title of invention)

1.  The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	119	-20	99	\$18.00 each	\$ 1,782.00
Independent	12	-3	9	\$80.00 each	\$ 720.00
			Basic Fee		\$ 710.00
			Multiple Dependency Fee If Applicable (\$270.00)		270.00
			<b>Total</b>		<b>\$ 3,482.00</b>
			50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern		\$ 0.00
			<b>Total Filing Fee</b>		<b>\$ 3,482.00</b>

2.  Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3.  Amend the specification by inserting before the first line the following sentence:  
 This is a continuation of application no. 09/238,983 filed January 28, 1999.
- 4a.  Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b.  New formal drawings are enclosed.
- 4c.  Informal drawings are enclosed.
- 5a.  Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b.  The certified copy has been filed in prior application no. , filed .
6.  The prior application is assigned of record to Sepracor Inc, as recorded at Reel 9850, Frame 0773.
- 7a.  The Power of Attorney appears in the original papers in the prior application no. 09/238,983, filed January 28, 1999.
- 7b.  Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
8.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10.  Additional enclosures or instructions.

Respectfully submitted,

Date November 28, 2000

  
Max Bachrach 45,479  
(Reg. No.)

For: Stanton T. Lawrence (Reg. No. 25,736)  
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